



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/674,137 | 09/29/2003 | Leonid Rozhavsky | CM01111S | 4266 |
| 22917 | 7590 | 07/27/2005 | EXAMINER | |
| MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196 | | | NGUYEN, KHAI MINH | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2687 | |

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/674,137 | Applicant(s) ROZHAVSKY ET AL. | |
| | Examiner Khai M. Nguyen | Art Unit 2687 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/29/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9 and 13 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/29/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The reference listed in the Information Disclosure Statement filed on September 29, 2003 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7-9, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Luschi et al. (U.S.Pat-20030045288).

Art Unit: 2687

Regarding claim 1, Luschi teaches a wireless data communication terminal sharing a data communication resource with a plurality of other data communication terminals (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*), the wireless data communication terminal being operable to receive channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and to transmit data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), the wireless data communication terminal comprising a processor operable to monitor channel status symbols inserted on the outbound channel (fig.1, paragraph 0010-0011); and to regulate time intervals between successive data transmissions on said inbound channel dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Regarding claim 2, Luschi teaches the wireless communication terminal according to claim 1, wherein said monitored channel status symbols inserted on the outbound channel indicate a current status of the inbound channel (fig.1, paragraph 0010-0011, 0027, 0049), thereby enabling said wireless communication unit to transmit data packets on said inbound channel dependent upon adaptive channel loading of the inbound communication resource (fig.3-7, paragraph 0060, 0066).

Regarding claim 7, Luschi teaches a wireless data communication system supporting an RD-LAP data transmission protocol including a plurality of wireless data communication terminals, wherein the terminals share a data communication resource (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*), and each of the terminals is operable to receive channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and to transmit data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), each wireless data communication terminal comprising a processor operable to monitor channel status symbols inserted on the outbound channel (fig.1, paragraph 0010-0011); and to regulate time intervals between successive data transmissions on said inbound channel dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Regarding claim 8, Luschi teaches a method of sharing a data communication resource in a wireless data communication system (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*), wherein at least one wireless data communication terminal receives channel status information

Art Unit: 2687

from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and transmits data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), the method comprising the steps of:

inserting channel status symbols on said outbound channel by said wireless serving communication terminal (fig.1, paragraph 0010-0011); and

monitoring, by said at least one wireless data communication terminal, channel status symbols inserted on said outbound channel (paragraph 0047, 0055);

regulating time intervals between successive data transmissions on said inbound channel, by said at least one wireless data communication terminal, dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Regarding claim 9, Lushi teaches the method according to claim 8, wherein said step of inserting channel status symbols on the outbound channel indicates a current status of the inbound channel (paragraph 0027, 0046, 0049).

Regarding claim 13, Luschi teaches a storage medium storing processor-implementable instructions or data for controlling a processor to carry out a method of

Art Unit: 2687

sharing a data communication resource in a wireless data communication system (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*) wherein at least one wireless data communication terminal receives channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and transmits data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), the method carried out by the processor comprising the steps of:

inserting channel status symbols on said outbound channel by said wireless serving communication terminal (fig.1, paragraph 0010-0011); and

monitoring, by said at least one wireless data communication terminal, channel status symbols inserted on said outbound channel (paragraph 0047, 0055);

regulating time intervals between successive data transmissions on said inbound channel, by said at least one wireless data communication terminal, dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Allowable Subject Matter

4. Claims 3-6, 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moon et al. (U.S.Pub-20030043770) discloses Radio base station and method of controlling radio communications.

Moon et al. (U.S.Pub-20030081574) discloses Radio base station and method of controlling radio communications.

Wright et al. (U.S.Pat-6621801) discloses Distributed control DAMA protocol for use with a processing communications satellite.

Fitzgerald et al. (U.S.Pat-5734963) discloses Remote initiated messaging apparatus and method in a two way wireless data communications network.

Hamalainen et al. (U.S.Pat-5729541) discloses System for transmitting packet data in radio telephone TDMA systems.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

Art Unit: 2687

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

7/20/2005


7/28/05
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER